

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

XIAO S. FENG,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. C 12-3161 RS (PR)

ORDER OF DISMISSAL

This is a federal civil rights action filed pursuant to 42 U.S.C. § 1983 by a *pro se* state prisoner. By order of the Court, plaintiff was granted 30 days (1) to file a complete application to proceed *in forma pauperis* ("IFP"), or (2) to pay the filing fee of \$350.00, or face dismissal of the action. Plaintiff was also ordered to file a complaint. More than 30 days have passed since the order was filed, and plaintiff has filed a complaint, but he has not filed an IFP application or paid the filing fee. Accordingly, the action is DISMISSED without prejudice. Any motion to reopen the action **must** contain a complete IFP application or payment for the entire filing fee of \$350.00. Plaintiff's motion for an interpreter (Docket No. 5) is DENIED because his filings indicate that he can competently read and write in English, or has the assistance of a person who can. The Clerk shall enter judgment in favor of defendant, terminate Docket No. 5, and close the file.

IT IS SO ORDERED.

DATED: July 30, 2012


RICHARD SEEBORG
United States District Judge

No. C 12-3161 RS (PR)
ORDER OF DISMISSAL

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

XIAO FENG,

Plaintiff,

v.

John Doe,

Defendant.

Case Number: CV12-03161 RS

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 30, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Xiao S. Feng G22150
California Substance Abuse Treatment Facility
P.O. Box 5242
Corcoran, CA 93212

Dated: July 30, 2012



Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk